

FREUND FREEZE & ARNOLD  
A LEGAL PROFESSIONAL ASSOCIATION  
www.ffalaw.com

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Dayton Office

One Dayton Centre  
1 South Main Street  
Suite 1800  
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(937) 222-2424  
Fax (937) 222-5369

Fourth & Walnut Centre  
105 East Fourth Street  
Suite 1400  
Cincinnati, OH 45202-4035  
(513) 665-3500  
Fax (513) 665-3503

March 8, 2004

*Fed Ex*

SENT VIA FACSIMILE - ORIGINAL WILL FOLLOW BY ~~REGULAR MAIL~~

Paul B. Martins  
HELMER, MARTINS & MORGAN CO., LPA  
Fourth & Walnut Centre, Suite 1900  
105 East 4th Street  
Cincinnati, OH 45202-4008

*RE: The Estate of Roger D. Owensby v. City of Cincinnati, et al.*

Dear Paul:

Enclosed you will find the expert reports of Tom Neuman, M.D., John Olenik and Joseph Callanan. You will note that we have substituted Mr. Callanan for Ronald McCarthy and Edward Nowicki. We will not be calling Mr. McCarthy or Mr. Nowicki at trial.

We will have Dr. Charles Wetli's report tomorrow and will fax a copy to your office as soon as we receive it.

If you would like to take discovery depositions please let us know. Thank you.

Very truly yours,

FREUND, FREEZE & ARNOLD

**COPY**

Neil F. Freund

CSS

c: Mark Tillar, Esq.  
John Helbling, Esq.  
Don Hardin, Esq.  
Wilson Weisenfelder, Jr., Esq.  
Ravert Clark, Esq.  
Geri Geiler, Esq.

FREUND, FREEZE & ARNOLD  
One Dayton Centre  
1 South Main Street, Suite 1800  
Dayton, OH 45402-2017  
tel (937) 222-2424  
fax (937) 222-5369

# fax t r a n s m i t t a l

to: Paul Martins ✓  
Fax: (513) 421-7902

John Helbling ✓  
Fax: (513) 923-9741

Mark Tillar ✓  
Fax: (513) 761-6180

Don Hardin ✓  
Fax: (513) 721-7008

Wilson Weisenfelder, Jr. ✓  
Fax: (513) 381-9206

Ravert Clark ✓  
Fax: (513) 621-2525

Geri Hernandez Geiler ✓  
Fax: (513) 352-1515

from: Neil Freund

date: March 8, 2004

re: Owensby v. Cincinnati

pages: 26 (Including this cover sheet)

Paul, we have attached the reports only. We will overnight the reports along with copies of the curriculum vitae, etc.

Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error or are not sure whether or not it is privileged, please notify the sender by telephone and return the original message to us by regular mail.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
SUBADDRESS  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS. SENT  
RESULT

0266

915134217902

03/08 11:27

09'17

26

OK

*Martins*  
*ltr w/ attachments*  
*Neuman,*  
*Olenik &*  
*Callanan*  
*expert*  
*reports*

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.

**FedEx** USA Airbill  
Express

FedEx  
Tracking  
Number

8449 0652 8776

1 From Please print and press hard. Sender's FedEx Account Number 3-8-04 1125-8150-2

Sender's Name Neil Ikend Phone (937) 222-2424

Company FREUND FREEZE & ARNOLD

Address 1 S MAIN ST STE 1800

City DAYTON State OH ZIP 45402-2017 Dept./Room/Suite/Room

2 Your Internal Billing Reference 1438-4 OPTIONAL

3 To Recipient's Name Paul Martins Phone (513) 431-2400

Company Helmer, Martins, & Morgan

Address Fourth & Walnut Centre We cannot deliver to P.O. boxes or P.D. ZIP codes. To "HOLD" at FedEx location, print FedEx address.

Address 105 E. 4th St., Suite 1900

City Cincinnati State OH ZIP 45202-4008 Dept./Room/Suite/Room

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.  
Questions? Visit our Web site at [fedex.com](http://fedex.com) or call 1.800.Go.FedEx® 800.463.3339.

Sender's Copy

0215

4a Express Package Service  
☒ FedEx Priority Overnight  
☐ FedEx Standard Overnight  
☐ FedEx First Overnight  
Delivery commitment may be later in some areas.  
Delivery commitment may be later in some areas.  
Delivery to select locations.

4b Express Freight Service  
☐ FedEx 2Day  
☐ FedEx 1Day Freight\*  
☐ FedEx 2Day Freight  
☐ FedEx 3Day Freight  
Delivery commitment may be later in some areas.  
Delivery commitment may be later in some areas.  
Delivery to select locations.

5 Packaging  
☒ FedEx Envelope\*  
☐ FedEx Pak\*  
☐ Other  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Study Pak.

6 Special Handling  
☐ SATURDAY Delivery  
☐ HOLD Weekday  
☐ HOLD Saturday  
Available ONLY for FedEx Priority Overnight and FedEx First Overnight.  
Include FedEx address in Section 3.  
Available ONLY for FedEx Priority Overnight and FedEx First Overnight.  
Does this shipment contain dangerous goods?  
One box must be checked.  
☒ No  
☐ Yes  
☐ As per attached  
Shipper's Declaration  
not required  
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.  
☐ Dry Ice  
Dry Ice & UN 1845  
☐ Cargo Aircraft Only

7 Payment Bill to:  
☒ Sender  
☐ Recipient  
☐ Third Party  
☐ Credit Card  
☐ Cash/Check  
FedEx Acct. No.  
Credit Card No.

Total Packages  
Total Weight  
Total Declared Value\*


8 Release Signature  
Your liability is limited to \$100 unless you declare a higher value. See back for details.  
Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.  
SIF-Rev. June 5/03-Per 1/15/03-0/09-2003 FedEx-PRINTED IN U.S.A.

447

0266384645

Track Shipments  
Detailed Results

 [Quick Help](#)

Tracking number	844906528787	Delivery location	CINCINNATI OH
Signed for by	S.HALL	Service type	Priority Envelope
Ship date	Mar 9, 2004		
Delivery date/time	Mar 10, 2004 10:20 am		

Date/time	Status	Location	Comments
Mar 10, 2004 10:20 am	Delivered	CINCINNATI OH	

[Signature proof](#)

[Track more shipments](#)

&dsc=n&msc=n

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

Add a message to this email.

From:

To:

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(513) 665-3500  
Fax (513) 665-3503

March 9, 2004

SENT VIA FACSIMILE - ORIGINAL WILL FOLLOW BY <sup>Fed Ex</sup> REGULAR MAIL

Paul B. Martins  
HELMER, MARTINS & MORGAN CO., LPA  
Fourth & Walnut Centre, Suite 1900  
105 East 4th Street  
Cincinnati, OH 45202-4008

*RE: The Estate of Roger D. Owensby v. City of Cincinnati, et al.*

Dear Paul:

Enclosed you will find the expert report of Charles Wetli, M.D. We will overnight his curriculum vitae. Please call if you have any questions. Thank you.

Very truly yours,

FREUND, FREEZE & ARNOLD

**COPY**

Neil F. Freund

CSS

c: Mark Tillar, Esq.  
John Helbling, Esq.  
Don Hardin, Esq.  
Wilson Weisenfelder, Jr., Esq.  
Ravert Clark, Esq.  
Geri Geiler, Esq.

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to: Paul Martins ✓  
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Fax: (513) 381-9206

Ravert Clark ✓  
Fax: (513) 621-2525

Geri Hernandez Geiler ✓  
Fax: (513) 352-1515

from: Neil Freund

date: March 9, 2004

re: Owensby v. Cincinnati

pages: 5 (Including this cover sheet)

*As req, attached is the last pg of previous fax. Please call if problem.*

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*Sharks,*

*Carol*

*(937) 913-0119*

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
SUBADDRESS  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS. SENT  
RESULT

0290

915134217902

03/09 09:54

01:38

5

OK

*Martinez*



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
SUBADDRESS  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS. SENT  
RESULT

0297

915134217902

03/09 10:19

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2

OK

*Martins*  
*cover page*  
*+ prepared last*  
*pg of Wetli's report*

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**FedEx® USA Airbill**  
ExpressFedEx  
Tracking  
Number

8449 0652 8787

1 From Please print and press hard.

Date 3-9-2004 Sender's FedEx  
Account Number

1125-8150-2

Sender's  
NameNeil Ikend

Phone (937) 222-2424

Company

FREUND FREEZE & ARNOLD

Address

1 S MAIN ST STE 1800

City

DAYTON

State

OHZIP 45402-2017

2 Your Internal Billing Reference

1438-43 To  
Recipient's  
NamePaul Martinez

Phone (513) 421-2400

Company

Helmer, Martinez & Morgan

Address

Jewett & Walnut Centre

To "HOLD" at FedEx location, print FedEx address.

Address

105 E. 44th St, Suite 1900

We cannot deliver to P.O. boxes or P.O. ZIP codes.

City

Cincinnati

State

OHZIP 45202-4008Try online shipping at [fedex.com](http://fedex.com)By using this Airbill you agree to the service conditions on the back of this Airbill  
and in our current Service Guide, including terms that limit our liability.Questions? Visit our Web site at [fedex.com](http://fedex.com)

or call 1.800.Go.FedEx® 800.463.3339.

Sender's Copy

0215

## 4a Express Package Service

Packages up to 150 lbs.

Delivery commitment may be later in some areas.  
FedEx First Overnight  
FedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day FreightFedEx Priority Overnight  
FedEx Standard Overnight  
FedEx 2Day  
FedEx 3Day Freight

## 4b Express Freight Service

Packages over 150 lbs.

Delivery commitment may be later in some areas.  
FedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day FreightFedEx 1Day Freight\*  
FedEx 2Day Freight  
FedEx 3Day Freight

## 5 Packaging

Declared value limit \$500

FedEx Pak\*  
FedEx Envelope\*  
FedEx Pak\*  
FedEx Envelope\*FedEx Pak\*  
FedEx Envelope\*  
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FedEx Envelope\*  
FedEx Pak\*  
FedEx Envelope\*

## 6 Special Handling

Include FedEx address in Section 2.

SATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft OnlySATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes  
Does this shipment contain dangerous goods?  
One box must be checked.  
No Yes  
As per attached  
Shipper's Declaration  
not required  
Dry Ice  
Dry Ice, 3, UN 1845  
Cargos Aircraft Only

## 7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.Sender Section  
FedEx Acct. No.  
Credit Card No.

Total Packages

Total Weight

Total Declared Value\*

FedEx Use Only

Your liability is limited to \$100 unless you declare a higher value. See back for details.

## 8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature  
and agree to indemnify and hold us harmless from any resulting claims.

SPE-Rev. Date 5/04-Per 4/5/01-0-0194-2003 FedEx-PRINTED IN U.S.A.

447

0266384645

Track Shipments  
Detailed Results

 [Quick Help](#)

Tracking number	844906528776	Reference number	1438-4
Signed for by	S.HALL	Delivery location	CINCINNATI OH
Ship date	Mar 8, 2004	Service type	Priority Pak
Delivery date/time	Mar 9, 2004 10:16 am		

Date/time	Status	Location	Comments
Mar 9, 2004	10:16 am Delivered	CINCINNATI OH	

[Signature proof](#)

[Track more shipments](#)

&dsc=n&msc=n

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

To

Add a message to this email.

[Send email](#)